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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/340,782	06/28/1999	FRANK REISINGER	P99-1032	4346

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SCHIFF HARDIN & WAITE
6600 SEARS TOWER
233 S WACKER DR
CHICAGO, IL 60606-6473

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/340,782

Applicant(s)

REISINGER, FRANK

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This action is in response to Applicant's response files July 25 2002. Claims 1 – 32 remain pending as originally filed.

Response to Arguments

2. Applicant's arguments filed 25 July 2002 have been fully considered but they are not persuasive. Applicant argues that the references cited do not address the issue of new service data.

3. Applicant is respectfully directed to Le Carpentier et al (US 4,752,950) (Col. 2, In 17-24, Col. 5 In 15-36 and Col. 4, In 49 – 63) as well as Liechti et al (US 5,715,164A) (Col. 3, In 47-56).

4. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier et al (US 4,752,950) in view of Liechti et al (US 5,715,164A).

7. Le Carpentier discloses a method for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising the steps of: offering new service data at a data center for future use at terminal equipment (Col. 2, In 17-24); forming a request for new service data at the terminal equipment (Col. 4, In 49 – 53); establishing a first communication between the terminal equipment and the data center and in said first communication transmitting said request data from the terminal equipment to the data center, receiving the request data at the data center, transmitting the new service data requested in the request data from the data center to the terminal equipment, and receiving and storing the new service data at the terminal equipment (Col. 4, In 49 – 63);

establishing a second communication between the terminal equipment and the data center and in said second communication forming a message at the terminal equipment that refers to the new service data stored at the terminal equipment, communicating said message from the terminal equipment to the data center, receiving the message from the terminal equipment at the data center and checking the message at the data center by comparison of information contained in the message with information generated from the new service data at the data center and, given a positive comparison result, transmitting a follow-up message from the data center to the terminal equipment allowing said terminal equipment, when appropriate, to use said new service

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data, and registering at the data center the valid transmission of the new service data to the terminal equipment (Col. 5, ln 1-15);

wherein said follow-up message comprises an OK message allowing the terminal equipment to be switched into an operating mode (Col. 5, ln 1-15);

the step of transmitting said OK message includes transmitting a marking in said OK message indicating that the new service data stored at the terminal equipment are valid (Col. 5, ln 1-15);

the step of storing the new service data in the first communication comprises intermediately storing the new service data at the terminal equipment, and wherein the step of transmitting said follow-up message in said second communication comprises transmitting a load instruction from the data center to the terminal equipment, and wherein said second communication includes the step of, upon receipt of said load instruction at the terminal equipment, loading the new service data into a non-volatile memory of a processing module at the terminal equipment (Col. 5 ln 15-36);

the step of forming said message in the second communication at the terminal equipment comprises forming a message including a version number associated with the new service data and a checksum; the step of forming said message in the second communication at the terminal equipment comprises forming a message including a version number associated with the new service data and an encrypted checksum (Col. 5 ln 15-36);

8. Le Carpentier does not, however, disclose the step of offering said new service data comprises offering postage fee schedule table data as said new service data, and

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comprising the step of providing a postage computer having a processing module which makes use of said postage fee schedule table data at said terminal equipment (Liechti, Col. 3, ln 47-56);

the step of forming said message in said second communication at said terminal equipment includes forming a message including a version number of the new service data and an encrypted checksum, and comprising the step of providing a postage meter machine at said terminal equipment in communication with said postage computer, storing a secret key in said postage meter machine, forming said encrypted checksum in said postage meter machine using a symmetrical encryption algorithm and said secret key, and storing said secret key as well at said data center and using said secret key at said data center to check said message from said terminal equipment in said second communication (Liechti Col. 8, ln 18-29);

the step of forming said message in said second communication at said terminal equipment comprises forming a message including a version number of the new service data and an encrypted checksum, and comprising the steps of storing a public key in said postage computer and forming said encrypted checksum in said postage computer using an asymmetrical encryption algorithm and said public key, and storing a non-public secret key, related to said public key, at said data center and using said non-public secret key at said data center to check said message in said second communication (Liechti Col. 8, ln 18-29);

the step of offering new service data at said data center comprises offering new postage fee schedule table data at said data center for future use in postage calculation, and

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wherein the step of checking the message transmitted from the terminal equipment to the data center in the second communication comprises checking information contained in said message by comparison with information generated from the new postage fee schedule table data, and wherein the step of transmitting said follow-up message in said second communication from said data center to the terminal equipment comprises transmitting an OK message indicating that the new postage fee schedule table data received at said terminal equipment are valid and also including a load instruction instructing the terminal equipment to load the new postage fee schedule table data into a non-volatile memory of a postage computer at said terminal equipment (Liechti Col. 8, In 18-29);

the additional step of loading said new postage fee schedule table data into said non-volatile memory at said postage computer upon receipt at said terminal equipment of said follow-up message (Liechti Col. 8, In 18-29). Liechti, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of Le Carpentier and Liechti in order to devise a more secure method and less time-intensive method of updating postage meters as well as to make said updating more user-friendly.

9. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier et al (US 4,752,950) in view of Liechti et al (US 5,715,164A).

10. Le Carpentier discloses a method for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising the steps of transmitting unencrypted service data from a data center to terminal equipment;

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generating a code at the terminal equipment based on the transmitted service data (Col. 5, ln 1-15);

transmitting said code from said terminal equipment to said data center (Col. 5 ln 15-36);

receiving said code at said data center and checking said code at said data center and transmitting a message from said data center to said terminal equipment identifying a result of the check (Col. 5 ln 15-36).

11. Le Carpentier does not however, disclose the step of providing a postage computer at said terminal equipment, and wherein the step of transmitting unencrypted service data to the terminal equipment comprises transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and comprising the steps of generating a checksum at said postage computer based on the transmitted fee schedule table data and transmitting the checksum to the data center as at least a part of said code, and wherein the step of checking the code at the data center comprises checking the checksum at the data center on the basis of a stored checksum stored at said data center and wherein the step of transmitting a message to the terminal equipment comprises transmitting an OK message to the terminal equipment given coincidence of said stored checksum with the checksum transmitted to the data center (Liechti Col. 8, ln 18-29);

providing a postage computer at said terminal equipment, and wherein the step of transmitting unencrypted service data to the terminal equipment comprises transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage

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computer, and comprising the steps of generating a encrypted code at said postage computer based on the transmitted fee schedule table data and transmitting the encrypted code to the data center as at least a part of said code, and wherein the step of checking the code at the data center comprises checking the encrypted code at the data center on the basis of a stored encrypted code stored at said data center and wherein the step of transmitting a message to the terminal equipment comprises transmitting an OK message to the terminal equipment given coincidence of said stored encrypted code with the encrypted code transmitted to the data center (Liechti Col. 8, In 18-29);

providing a postage computer at said terminal equipment and wherein the step of transmitting unencrypted service data to the terminal equipment comprises transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and wherein the step of generating a code at the terminal equipment comprises generating a signature representing information dependent on the transmitted fee schedule table data and encrypting said information with a public write key to form said signature, and wherein the step of transmitting said code to the data center comprises transmitting said signature to the data center, and wherein the step of checking the code at the data center comprises decrypting the signature at the data center with a secret read key according to an asymmetrical algorithm and checking the information in the signature with information stored at the data center and, given a positive comparison result, transmitting an OK message to the terminal equipment (Liechti Col. 8, In 18-29);

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the step of forming a checksum as said information contained in said signature (Liechti Col. 8, ln 18-29). Liechti, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of Le Carpentier and Liechti in order to devise a more secure method and less time-intensive method of updating postage meters as well as to make said updating simultaneously more user-friendly and more secure.

12. Claims 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier et al (US 4,752,950) in view of Liechti et al (US 5,715,164A).

13. Le Carpentier discloses an arrangement for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising:

a datacenter, and terminal equipment located remote from said data center, said data center offering new service data for future use at said terminal equipment (Col.

5,

ln 1-15);

means for forming a request for new service data at the terminal equipment (Col. 5 ln 15-36);

means for establishing a first communication between the terminal equipment and the data center and in said first communication transmitting said request

data from the terminal equipment to the data center, means for receiving the request data at the data center and for transmitting the new service data

requested in the request data from the data center to the terminal equipment, and

means for receiving and storing the new service data at the terminal

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equipment (Col. 5 ln 15-36);

means for establishing a second communication between the terminal equipment and the data center and in said second communication forming a message at the terminal equipment that

refers to the new service data stored at the terminal equipment and for communicating said message from the terminal equipment to the data center, means for receiving the message from the

terminal equipment at the data center and for checking the message at the data center by comparing information contained in the message with information generated from the new service

data at the data center and, given a positive comparison result, for forming and transmitting a follow-up message from the data center to the terminal equipment allowing

said terminal equipment, when appropriate, to use said new service data, and means for registering at the data center the valid transmission of the new service data to the terminal equipment (Col. 5 ln 15-36).

14. Le Carpentier does not however, disclose means for forming said follow-up message comprises means for forming an OK message allowing the terminal equipment to be switched into an operating mode (Liechti Col. 8, ln 18-29); means for forming said OK message means for including a marking in said OK message indicating that the new service data stored at the terminal equipment are valid (Liechti Col. 8, ln 18-29);

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means for storing the new service data in the first communication comprise means for intermediately storing the new service data at the terminal equipment, and wherein said means for transmitting said follow-up message in said second communication comprise means for transmitting a load instruction from the data center to the terminal equipment, and wherein said terminal equipment comprises means for, upon receipt of said load instruction at the terminal equipment, loading the new service data into a non-volatile memory of a processing module at the terminal equipment (Liechti Col. 8, ln 18-29);

means for forming said message in the second communication at the terminal equipment comprise means for forming a message including a version number associated with the new service data and a checksum (Liechti Col. 8, ln 18-29);

means for forming said message in the second communication at the terminal equipment comprise means for forming a message including a version number associated with the new service data and an encrypted checksum (Liechti Col. 8, ln 18-29);

means for offering postage fee schedule table data as said new service data, and wherein said terminal equipment comprises a postage computer having a processing module which makes use of said postage fee schedule table data (Liechti Col. 8, ln 18-29);

means for forming said message in said second communication at said terminal equipment comprise means for forming a message including a version number of the new service data and an encrypted checksum, and wherein said terminal equipment comprises a postage meter machine in communication with said postage computer,

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means for storing a secret key in said postage meter machine, means for forming said encrypted checksum in said postage meter machine using a symmetrical encryption algorithm and said secret key, and wherein said data center comprises means for storing said secret key as well at said data center and wherein said means for checking comprise means for using said secret key to check said message from said terminal equipment in said second communication (Liechti Col. 8, ln 18-29);

means for forming said message in said second communication at said terminal equipment comprise means for forming a message including a version number of the new service data and an encrypted checksum, and wherein said postage computer comprises means for storing a public key and for forming said encrypted checksum using an asymmetrical encryption algorithm and said public key, and wherein said data center comprises means for storing a non-public secret key, related to said public key, at said data center and wherein said means for checking comprise means for using said non-public secret key to check said message in said second communication (Liechti Col. 8, ln 18-29);

means for offering new postage fee schedule table data at said data center for future use in postage calculation, and wherein said means for checking the message transmitted from the terminal equipment to the data center in the second communication comprises means for checking information contained in said message by comparison with information generated from the new postage fee schedule table data, and wherein said means for transmitting said follow-up message in said second communication from said data center to the terminal equipment comprises means for transmitting an OK

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message indicating that the new postage fee schedule table data received at said terminal equipment are valid and also including a load instruction instructing the terminal equipment to load the new postage fee schedule table data into a non-volatile memory of a postage computer at said terminal equipment (Liechti Col. 8, In 18-29); loading said new postage fee schedule table data into said non-volatile memory at said postage computer upon receipt at said terminal equipment of said follow-up message (Liechti Col. 8, In 18-29). Liechti, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of Le Carpentier and Liechti in order to devise a more secure method and less time-intensive method of updating postage meters as well as to make said updating simultaneously more user-friendly and more secure.

15. Claims 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier et al (US 4,752,950) in view of Liechti et al (US 5,715,164A).

16. Le Carpentier discloses an arrangement for dependably transmitting service data from a data center to remotely-located terminal equipment, comprising:

a data center, and terminal equipment located remote from said data center (Col. 5 In 15-36);

means for transmitting unencrypted service data from the data center to the terminal equipment (Col. 5 In 15-36);

means for generating a code at the terminal equipment based on the transmitted service data (Col. 5 In 15-36);

means for transmitting said code from said terminal equipment to said data center (Col. 5 In 15-36);

means for receiving said code at said data center and for checking said code at said data center and for transmitting a message from said data center to said terminal equipment identifying a result of the check (Col. 5 In 15-36).

17. Le Carpentier does not however, disclose an arrangement as claimed in claim 28 wherein said terminal equipment comprises a postage computer, and wherein said means for transmitting unencrypted service data to the terminal equipment comprises means for transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and wherein said postage computer comprises means for generating a checksum based on the transmitted fee schedule table data and wherein said means for transmitting said code comprise means for transmitting the checksum to the data center as at least a part of said code, and said means for checking the code at the data center comprise means for checking the checksum at the data center on the basis of a stored checksum stored at said data center and for transmitting a message to the terminal equipment comprising an OK message to the terminal equipment given coincidence of said stored checksum with the checksum transmitted to the data center (Liechti Col. 8, In 18-29);

wherein said terminal equipment comprises a postage computer, and said means for transmitting unencrypted service data to the terminal equipment comprises means for transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and wherein said postage computer comprises means for

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generating a encrypted code based on the transmitted fee schedule table data and wherein said means for transmitting said code comprise means for transmitting the encrypted code to the data center as at least a part of said code, and wherein said means for checking the code at the data center comprise means for checking the encrypted code at the data center on the basis of a stored encrypted code stored at said data center and for transmitting a message to the terminal equipment comprising an OK message to the terminal equipment given coincidence of said stored encrypted code with the encrypted code transmitted to the data center (Liechti Col. 8, In 18-29); wherein said terminal equipment comprises a postage computer and wherein said means for transmitting unencrypted service data to the terminal equipment comprise means for transmitting unencrypted fee schedule table data, as said unencrypted service data, to said postage computer, and wherein said postage computer comprises said means for generating a code at the terminal equipment, said postage computer generating a signature, as said code, representing information dependent on the transmitted fee schedule table data and encrypting said information with a public write key to form said signature, and wherein said means for transmitting said code to the data center comprises means for transmitting said signature to the data center, and said means for checking the code at the data center comprise means for decrypting the signature at the data center with a secret read key according to an asymmetrical algorithm and for checking the information in the signature with information stored at the data center and, given a positive comparison result, for transmitting an OK message to the terminal equipment (Liechti Col. 8, In 18-29);

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wherein said postage computer comprises forming a checksum as said information contained in said signature (Liechti Col. 8, ln 18-29);

wherein said postage computer comprises forming a checksum as said information contained in said signature (Liechti Col. 8, ln 18-29). Liechti, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of Le Carpentier and Liechti in order to devise a more secure method and less time-intensive method of updating postage meters as well as to make said updating simultaneously more user-friendly and more secure.

Conclusion

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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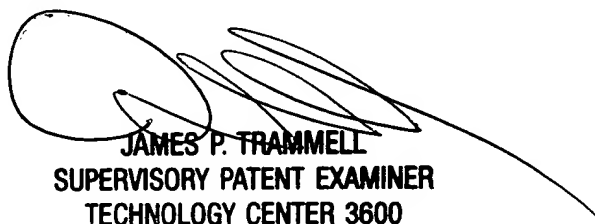
20. Mandulay et al (US 5,778,348A) teaches remote activation of rating capabilities in a computerized parcel manifest system.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

October 21, 2002


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600